

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERIKA MARSHALL,

Case No.: 2:24-cv-00823-APG-BNW

Plaintiffs

Order Remanding Case for Lack of Subject Matter Jurisdiction

V.

ALBERTSON'S LLC,

Defendant

Defendant Albertson's LLC removed this action on the basis of diversity jurisdiction.

10 ECF No. 1. Because Albertson's did not identify the citizenship of each of its members, I could
11 not determine if complete diversity existed. And Albertson's did not show that the amount in
12 controversy requirement was satisfied. Consequently, I ordered Albertson's to show cause why
13 this action should not be remanded for lack of subject matter jurisdiction. ECF No. 4.

14 Albertson's response sufficiently established that the parties are diverse. ECF No. 11.
15 However, Albertson's did not show the amount in controversy requirement is satisfied. As I
16 stated in my show cause order, the plaintiff's request for exemption from arbitration identifies
17 \$44,792.76 in medical bills but it appears the plaintiff has stopped treating because there are no
18 identified treatments after November 2022. ECF No. 3-6 at 4. So that appears to be the extent of
19 her bills. There is a potential recommendation for future treatment but only "if there is an
20 exacerbation of pain." *Id.* And although there may be a wage loss claim, no amount was
21 specified in the request for exemption from arbitration, even though the incident occurred in
22 April 2022 and the treatment ended in November 2022. *Id.* Albertson's did not provide
23 additional evidence to support jurisdiction. As a result, I remand this action to state court.

1 I THEREFORE ORDER that this case is remanded to the state court from which it was
2 removed for all further proceedings. The clerk of court is instructed to close this case.

3 DATED this 20th day of May, 2024.

4 
5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23